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Attorneys for Intervenors COALITION FOR
POLICE ACCOUNTABILITY, RASHIDAH
GRINAGE, SAIED KARAMOOZ, ANNE JANKS
AND JOHN JONES, III

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,)	CASE NO. C00-cv-04599-WHO
Plaintiffs,)	
v.)	DECLARATION OF LAWRENCE WHITE IN
)	SUPPORT OF THE INTERVENORS'
)	MOTION TO INTERVENE AS OF RIGHT, OR
CITY OF OAKLAND, et al.,)	IN THE ALTERNATIVE, PERMISSIVE
)	INTERVENTION
Defendants.)	
)	DATE: MAY 8, 2019
)	TIME: 2:00 P.M.
)	DEPT: 2, 17 TH FLOOR

I, LAWRENCE WHITE, hereby declare:

1. I make this Declaration on personal knowledge in support of the Coalition for Police Accountability and other community representatives' Motion to intervene in this action. I am a member of the Coalition for Police Accountability.

2. I am a resident of Oakland, California. I have lived in Oakland for five years.

3. I am an attorney and have been a member of the State Bar of California since 1976.

4. From 1992 to 2013 I was a senior staff counsel at the California Department of Insurance where my duties included writing and reviewing regulations and legislation governing the

1 business of insurance.

2 5. I retired from the state service in 2013 and moved to Oakland. Soon after I moved to
3 Oakland I began to volunteer with the Coalition for Police Accountability. When I joined the
4 Coalition, I agreed with its members that one of Oakland's biggest problems was a police
5 department that did not discipline officers who had engaged in misconduct that was often racially
6 biased.

7 6. As part of my involvement with the Coalition, I began to study the history of the
8 Oakland Police Department with a particular emphasis on the events leading to the so-called Riders
9 case, the class action lawsuit that followed it, and the Negotiated Settlement Agreement. I
10 concluded from my studies that it was not the Oakland Police Department by itself that was the
11 problem, but the entire city government that had failed to properly supervise the Police Department.

12 7. I agreed with other Coalition members that Oakland needed an institution that was
13 dedicated solely to oversight of the Oakland Police Department. I believed that all the other city
14 institutions that had authority over the Police Department, the City Attorney and the City
15 Administrator, had conflicting loyalties, since their job was also to defend the City in actions
16 involving police misconduct. Furthermore, my studies clearly showed that the city institutions had
17 not in fact provided effective oversight of the OPD.

18 8. The Coalition formed a committee to draft an amendment to the City Charter to
19 create a civilian police oversight body. Because of my experience drafting legislation, I became the
20 principal drafter of what later became Measure LL along with meaningful input from other
21 Coalition members.

22 9. The Coalition presented the draft of the charter amendment to the City Council
23 which made some changes to what I had written. These changes did not alter my draft in any
24 significant way. Measure LL, now Section 604 of the Oakland City Charter, embodies the essential
25 concepts of the draft that I wrote.

26 10. The City Council voted unanimously to put the proposed charter amendment on the
27 2016 ballot. It was approved by over 83% of the Oakland voters in that election.
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1 11. Measure LL created the Oakland Police Commission, whose members are unpaid
2 volunteers. At the same time, the measure created the Community Police Review Agency, the job
3 of which is to investigate alleged police misconduct. The head of the Agency will be a professional
4 with the status of a department head.

5 12. The charter amendment also allowed for the Police Commission and the Agency to
6 hire an attorney and it specifies that this shall not be a City Attorney. In drafting the charter
7 amendment we were mindful of the City Attorney's dual responsibility of defending the city against
8 police misconduct claims while at the same time representing the city in discipline arbitrations
9 against officers accused of misconduct. We were also aware of the fact that the City Attorney's
10 office lost most of these arbitration cases.

11 13. In October 2018, I attended a meeting of the City Council and observed the council
12 passing an enabling ordinance that added specificity to the charter amendment that authorized the
13 police commission. This ordinance created the office of a civilian Inspector General under the
14 purview of the Police Commission. At this meeting the City Administrator angrily denounced the
15 City Council's action, asserting that it violated the City Charter.

16 14. The positions of Agency Director, Inspector General, and Commission and Agency
17 attorney have not been filled as of this date. I have been informed and believe that the City
18 Administrator has refused to fill the last two positions citing her interpretation of the City Charter
19 as grounds for her actions.

20 15. The voters of Oakland amended their Charter to create effective community
21 oversight of the Oakland Police Department. However, the Commission is unable to fully perform
22 that function while its most critical staff positions remain unfilled.

23 16. Oversight of the Oakland Police Department is also being done by a Monitor
24 appointed by the Court. Currently there is no intersection between the Commission's oversight and
25 that of the Monitor.

26 17. The goal of the Monitor is to get the OPD to accomplish a specific set of tasks. The
27 NSA process is by its nature temporary. As the principal drafter of Measure LL, I can state that the
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1 Oakland Police Commission is intended to be a permanent institution of the city of Oakland.

2 18. My belief is that the NSA is a failure. I believe that a process that started out with a
3 definite five year end date that has gone on for sixteen years and has no end in sight is by definition
4 a failure.

5 19. As a member of the Coalition for Police Accountability, I have observed the NSA
6 process and have come to the conclusion that its failure is a result of the lack of incentive of the
7 current parties to bring the Police Department into compliance and terminate the NSA. All
8 participants in the NSA process are being paid for the time they spend on it and it has become just
9 another job for them. City officials have many other issues and tasks and the police oversight
10 through the NSA is just one of them. Furthermore, I believe having a federal judge in charge of
11 police oversight provides political cover for officials who are thus relieved of that responsibility.

12 20. The people who pay for the process, the residents of Oakland, are, however, not
13 represented in the NSA. They have decided they want oversight of the Oakland Police Department
14 through their vote to establish the Oakland Police Commission.

15 21. The representation of the residents of Oakland in the NSA by the addition of the
16 Coalition for Police Accountability as a party would add a critically needed perspective to the
17 process. The Coalition's incentives are to help bring the OPD into compliance and to hasten the
18 transfer of oversight functions from the NSA to the Police Commission. The Coalition's presence
19 as a party would change the "business as usual" attitude of the other parties.

20 I declare under penalty of perjury under the laws of the State of California and the United
21 States that the foregoing is true and correct. If called as a witness, I could and would testify
22 competently to the matters stated in this Declaration.

23 Executed in Oakland, California on April 1, 2019.

24
25 /s/ Lawrence White
26 LAWRENCE WHITE, Declarant
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